

AMENDED IN ASSEMBLY APRIL 24, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1798

Introduced by Assembly Member Chavez

January 15, 2002

An act to add Section 6253.6 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1798, as amended, Chavez. Public records.

The California Public Records Act provides that the public records, as defined, of every state or local agency are open for inspection at all times during the office hours of the agency, that every person has a right to inspect any public record except as provided in the act, and that every agency, upon request, shall make copies of records available upon payment of fees to cover cost. The act authorizes any agency to withhold disclosure of requested public records pursuant to specific statutory exemptions or by demonstrating that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

This bill would ~~provide that require, if any military veteran requests the recordation of any military discharge document such as a veteran's service form DD214, and any information obtained therefrom, is confidential and may not be disclosed by any state or local agency to any person unless the person requesting that information provides identification and a valid reason for obtaining that information that the county recorder shall provide written advice to the veteran that the~~

document becomes a public document subject to inspection, as provided. By creating new duties for local agency officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6253.6 is added to the Government
- 2 Code, to read:
- 3 ~~6253.6. A veteran's service form DD214, and any~~
- 4 ~~information obtained therefrom, is confidential and may not be~~
- 5 ~~disclosed by any state or local agency to any person unless the~~
- 6 ~~person requesting that information provides identification and a~~
- 7 ~~valid reason for obtaining that information.~~
- 8 6253.6. *If any military veteran requests the recordation in any*
- 9 *county in this state of any military discharge document, such as a*
- 10 *veteran's service form DD214, the county recorder shall provide*
- 11 *written advice to that veteran that the recording of that document*
- 12 *makes that document a public record that is open to inspection by*
- 13 *every person. The county recorder shall also request that the*
- 14 *veteran sign a written acknowledgement of the receipt of that*
- 15 *advice, if the veteran proceeds to have the document recorded.*
- 16 SEC. 2. Notwithstanding Section 17610 of the Government
- 17 Code, if the Commission on State Mandates determines that this
- 18 act contains costs mandated by the state, reimbursement to local
- 19 agencies and school districts for those costs shall be made pursuant
- 20 to Part 7 (commencing with Section 17500) of Division 4 of Title
- 21 2 of the Government Code. If the statewide cost of the claim for



- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

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